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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,175	06/27/2001	Tetsuya Seki	FUJS 18.775	5326
26304	7590	03/16/2005	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN			LE, AMANDA T	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2634	

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

<b>Office Action Summary</b>	<b>Application No.</b> 09/894,175	<b>Applicant(s)</b> SEKI, TETSUYA	
	<b>Examiner</b> Amanda T Le	<b>Art Unit</b> 2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***Drawings***

1. Figure 22-29C should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1-16 are objected to because of the following informalities:

In claim 1, on line 4, "correction" should be changed to "corrected" for consistency with subsequently recited limitations (see claim 1, line 13, claim 3, line 3 for example);

In claim 4, on line 5, "the" should be changed to "a";

In claim 12, on line 3, "s" should be changed to "a"

In claim 12, on line 4, "adjustment" should be changed to "adjusted" for consistency with subsequently recited limitations (see claim 12, line 13 for example);

In claims 13 and 15, on line 3, after "a symbol point", the word "arrangement" should be inserted.

In claim 16, on line 10, after "an amplitude," the word "value" should be inserted.

Appropriate correction is required.

*Allowable Subject Matter*

3. Claims 1-16 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

4. The following is a statement of reasons for the indication of allowable subject matter: Prior art of record, taken individually or collectively, fails to disclose a power control apparatus or method thereof comprising a power control section for controlling amplitude by correcting a symbol point arrangement of data on the basis of a corrected amplitude value inputted from the external and for outputting data to be transmitted, produced by the amplitude control which further incorporates “and a power correcting section for correcting an amplitude value of a symbol before phase rotation on the basis of a decision signal representative of need/non-need for correction of the symbol amplitude value before the phase rotation and a mask signal indicative of at least one of symbol point components being masked and for inputting the corrected amplitude value to said power control section” (claims 1-15), or a power control method comprising “a constellation correcting step of correcting data placed at each of symbol points through a desired modulation method on the basis of a mask signal representative of at least one of symbol point components being masked, for outputting the corrected data; and a phase rotation correcting step of correcting the corrected data obtained in said constellation correcting step on the basis of a decision signal representative of need/non-need of an amplitude of said symbol before phase rotation for outputting total corrected data” (claim 16).

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tzukerman et al (US 6,724,829), Salonaho (US 6,678,531), Nomura (US 6,628,929) and Saito (US 6,580,919) disclose different power control techniques for use in transmitting apparatus.

6. This application is in condition for allowance except for the formal matters stated above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda T Le whose telephone number is (571) 272-3052.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**AMANDA T. LE**  
**PRIMARY EXAMINER**